


RECEIVED
CENTRAL FAX CENTER
FEB 07 2005

2345 Grand Boulevard
 Suite 2800
 Kansas City, Missouri 64108-2684
 (816) 292-2000, Fax (816) 292-2001

Direct Dial Number:
 (816) 460-5848

10851 Mastin Blvd.
 Building 82, Suite 1000
 Overland Park, KS 66210-1669
 (913) 451-5100, Fax (913) 451-0876

The Equitable Building, Suite 1300
 10 South Broadway
 St. Louis, MO 63102-1708
 (314) 613-2500, Fax (314) 613-2550

314 East High Street
 Jefferson City, MO 65101
 (573) 893-4336, Fax (573) 893-5396

www.lathropgage.com

1845 S. National
 Springfield, MO 65808-4288
 (417) 886-2000, Fax (417) 886-9126

4845 Pearl East Circle
 Suite 300
 Boulder, CO 80301
 (720) 931-3000, Fax (720) 931-3001

1200 G Street, N.W.
 Suite 800
 Washington, D.C. 20005
 (202) 434-8984, Fax (202) 434-8992

January 31, 2005

From: James M. Stipek

Matter No.: 1437 (382406)

To:	Company:	Fax Number:	Phone Number:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- 1450	USPTO	1-703-872-9314 (Examiner Duc M. Nguyen)	1-703-306-4531

Number of Pages Transmitted (including this cover sheet): 52

Message: RE: U.S. Patent Application No. 09/718,312;
 System and Method for Processing a Signal;
 Applicants: Walter F. Rausch et al.,
 Group 2685

Attached for filing please find the following: Certificate of Facsimile Transmission (1 page); Transmittal Form (1 page); Response to Provoke Advisory Action (44 pages); Inventors' Declaration (5 pages); and authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765.

If you have a problem receiving this facsimile, please call: (816) 460-5848

Fax Attendant: _____

CONFIDENTIALITY NOTE:

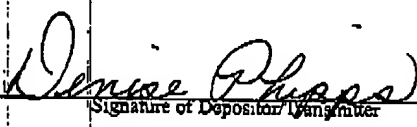
The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you receive this fax in error, please notify us immediately by telephone and return it to the address above. Thank you.
 CC 1383051v1

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

NO. 494 P. 2

FEB 07 2005

Serial No.		Filing Date		Examiner		Matter No.	
09/718,312		November 22, 2000		Duc M. Nguyen		1437	
Group Art Unit						2685	
Invention: System and Method for Processing a Signal							
I hereby certify that this Transmittal Form (1 page); Response to Provoked Advisory Action (44 pages); Inventors' Declaration (5 pages); and authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765; are being sent via facsimile to (703) 872-9314 for Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31th day of January, 2005.							
				Denise Phipps Name of Depositor/Transmitter			
				 Signature of Depositor/Transmitter			

CC 1383031v1

Please type a plus sign (+) inside this box → ☐

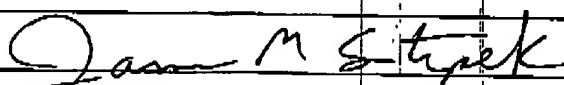
PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/718,312
	Filing Date	November 22, 2000
	First Named Inventor	Walter F. Rausch
	Group Art Unit	2685
	Examiner Name	Duc M. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	1437

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Transmission
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James M. Stipek
Signature	
Date	January 31, 2005

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being sent via facsimile to 703-872-9314 for: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date: January 31, 2005			
Typed or printed name	Denise Phipps		
Signature		Date	January 31, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CC 1383046v1

PATENT
Attorney Docket No. 1437

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Rausch et al.
Serial No. 09/718,312
Filed November 22, 2000
For System and Method for Processing a
Signal

Examiner Nguyen, Duc M.
Group Art No. 2685
Confirmation No. 3505

RECEIVED
CENTRAL FAX CENTER

FEB 07 2005

January 31, 2005

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Provoke Advisory Action

In response to the Examiner's Office action mailed November 30, 2004,
Applicants make the following remarks.

CERTIFICATE UNDER 37 C.F.R. § 1.8 and § 1.10

I hereby certify that, on the date shown below, this correspondence is being

- ☐ deposited with the United States Postal Service in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage:

MAILING

- ☐ 37 C.F.R. § 1.8
as first class mail.

- ☐ 37 C.F.R. § 1.10
as "Express Mail Post Office to Addressee"
EXPRESS MAIL NO.

FACSIMILE TRANSMISSION

- ☒ transmitted by facsimile to the Patent and Trademark Office, Mail Stop AF, via 703-872-9314.

Denise Phipps
Name of Depositor/Transmitter

Denise Phipps
Signature

January 31, 2005
Date

CC 1380754v1

Response is Timely

This response was due January 30, 2005, which was a Sunday. This response is being filed January 31, 2005, and therefore is timely. No extension fees are due.

Initial Remarks

Recently, some USPTO Examiners have been not responding to Responses to Provoke an Advisory Action. The Examiners have stated that the "Amendment" requires further consideration or searching, and therefore the "Amendment" is not entered. This occurs whether or not there is an amendment or whether or not an amendment is merely grammatical or otherwise does not require a search. If no amendment is made, and only arguments for patentability are submitted, then the Examiners state that the claims have not been placed in a better form for allowance and then do not respond to the Response or enter the Response. This seems to be an effort to eliminate having to respond to the Response to Provoke an Advisory Action. This, in turn, seems to violate the MPEP. Applicants' attorney notes that this has NOT occurred with the present Examiner and requests that the Examiner enter this Response and fully respond to this Response to Provoke an Advisory Action. Applicants request that the Examiner respond specifically and separately to each numbered paragraph.

Telephone Conference January 25, 2005

Applicants' attorney and the Examiner had a telephone conference January 25, 2005, in which they discussed the Examiner's stated reasons to modify Schwartz and the Examiner's stated suggestion to combine Talbot, Bickley, and Csapo. The Parties did not arrive at an agreement.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.